Commonwealth of Massachusetts
Executive Office of Environmental Affairs ■ MEPA Office

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
EOEA No. 12836
MEPA Analyst: LeAndrea Dames
Phone: 617-626-1028

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Parker River Fish Ladder Improvements		
Street: Central St.		
Municipality: Newbury, Massachusetts	Watershed: Parker River	
Universal Transverse Mercator Coordinates: 19T 342144mE 4734867mN 10 ft	Latitude: N 42° 45.00' Longitude: W 70° 55.74'	
Estimated commencement date: Sept. 2002	Estimated completion date: Sept. 2002	
Approximate cost: All work donated	Status of project design: 100%complete	
Proponent: Town of Newbury Selectmen's Office		
Street: 25 High Road		
Municipality: Newbury	State: MA	Zip Code: 01951
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Charles Katuska, P.W.S.		
Firm/Agency: Environmental Science Services, Inc.	Street: 888 Worcester Street, Suite 240	
Municipality: Wellesley	State: MA	Zip Code: 02482
Phone: (781) 489-1131	Fax: (781) 431-7434	E-mail: ckatuska@essgroup.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)? ☐Yes ☒No

Has this project been filed with MEPA before? ☐Yes (EOEA No._____) ☒No

Has any project on this site been filed with MEPA before? ☐Yes (EOEA No._____) ☒No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

a Single EIR? (see 301 CMR 11.06(8))	☐Yes	☒No
a Special Review Procedure? (see 301CMR 11.09)	☐Yes	☒No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	☐Yes	☒No
a Phase I Waiver? (see 301 CMR 11.11)	☐Yes	☒No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): NONE

Are you requesting coordinated review with any other federal, state, regional, or local agency? ☐Yes(Specify_____) ☒No

List Local or Federal Permits and Approvals: Order of Conditions (DEP No. 050-640), U.S. Army Corps of Engineers Federal Wetlands Permit

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- ☐ Land
- ☐ Water
- ☐ Energy
- ☒ ACEC
- ☐ Rare Species
- ☐ Wastewater
- ☐ Air
- ☐ Regulations
- ☐ Wetlands, Waterways, & Tidelands
- ☐ Transportation
- ☐ Solid & Hazardous Waste
- ☐ Historical & Archaeological Resources

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage	0.01 ac.		
New acres of land altered		0	
Acres of impervious area	0.01	0	0.01
Square feet of new bordering vegetated wetlands alteration		0	
Square feet of new other wetland alteration		36	
Acres of new non-water dependent use of tidelands or waterways		0	
STRUCTURES			
Gross square footage	0	36 ft^2	36 ft^2
Number of housing units	N/A	N/A	N/A
Maximum height (in feet)	0	1.65 ft	1.65 ft
TRANSPORTATION			
Vehicle trips per day	N/A	N/A	N/A
Parking spaces	N/A	N/A	N/A
WATER/WASTEWATER			
Gallons/day (GPD) of water use	N/A	N/A	N/A
GPD water withdrawal	N/A	N/A	N/A
GPD wastewater generation/ treatment	N/A	N/A	N/A
Length of water/sewer mains (in miles)	N/A	N/A	N/A

State Permits & Approvals

- ☒ Order of Conditions
- ☐ Superseding Order of Conditions
- ☐ Chapter 91 License
- ☒ 401 Water Quality Certification
- ☐ MHD or MDC Access Permit
- ☐ Water Management Act Permit
- ☐ New Source Approval
- ☐ DEP or MWRA Sewer Connection/ Extension Permit
- ☐ Other Permits (*including Legislative Approvals*) – Specify:

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

☐Yes (Specify_____) ☒No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

☐Yes (Specify_____) ☒No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

☐Yes (Specify_____) ☒No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

☐Yes (Specify_____) ☒No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

☐Yes (Specify_____) ☐No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

☒Yes (Specify: Parker River / Essex Bay) ☐No

PROJECT DESCRIPTION: The project description should include **(a)** a description of the project site, **(b)** a description of both on-site and off-site alternatives and the impacts associated with each alternative, and **(c)** potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The project site is located at Central Street in Newbury, where the Parker River flows through a corrugated steel culvert 18 feet wide. The culvert is founded on concrete footings visible at low water levels. Topography in the area ranges from 5.5 to 6 feet NGVD at the streambed of the Parker River to 18 feet at the top of the adjacent side slopes outside of the culvert. The Parker River culvert at Central Street in Newbury occurs within the Parker River/Essex Bay Area of Critical Environmental Concern (ACEC). The ACEC boundary occurs at the Project Site at elevation 10 feet NGVD. This ACEC is important to migratory bird and waterfowl habitat, anadromous fish runs, shellfisheries, barrier beach and dune protection, and recreational opportunities. The project will improve the capacity of the Parker River the support the natural resources for which the ACEC was designated.

The existing concrete fish ladder, located immediately upstream (west) of the culvert, is designed to enable anadromous fish (e.g., alewives, blueback herring) to ascend a total of 8 feet from the culvert entrance to the impounded pond at the top of the fish ladder. However, in its present state, fish are unable to negotiate the lowest step in the ladder to reach the freshwater ponds of the Parker River, above the ladder, because (1) the change in water surface elevation is too great and (2) water levels generally have not been deep enough in the culvert or the resting/holding area at the bottom of the ladder to permit passage of larger-sized fish.

Designs for the proposed fish passage improvements, as shown on the enclosed figures and drawings, have been prepared by Dick Quinn, Fishway Engineer for the U.S. Fish & Wildlife Service, as part of a partnership effort to restore and enhance anadromous fish usage of the Parker River system. Partners contributing resources (funding, technical expertise, and/or labor) to the project to date include the Parker River Clean Water Association, the Essex County Sportsmen's Association, the Byfield Water District, the National Marine Fisheries Service, the U.S. Fish & Wildlife Service, the USDA Natural Resource Conservation Service, the Massachusetts Division of Fisheries, Wildlife and Environmental Law Enforcement's River Restore Program, and the Massachusetts Division of Marine Fisheries. Environmental Science Services, Inc. (ESS) is pleased to be donating its permitting services to the Project through the Massachusetts Corporate Wetlands Restoration Partnership.

On behalf of the Town of Newbury, through the Office of the Board of Selectmen, ESS is submitting this ENF to disclose the minimal impacts associated with construction of two low weirs within the existing Central Street culvert for the Parker River, to improve fish passage to the foot of the existing fish ladder immediately upstream. These weirs will provide a resting/holding area immediately below the fish ladder and will raise

the low water levels in this immediate segment of the river enough to allow fish a smaller vertical "jump" into the lowest section of the ladder.

Impacts associated with the project are limited to the direct loss of 36 square feet of Land Under a Water Body or Waterway within the existing culvert (Two 1-foot wide by 18-foot long concrete weirs) and the loss of 4 linear feet of Bank resource area (Four 1-foot wide weir ends keyed into the existing concrete walls within the culvert). Weirs are a maximum of 1.75 feet in height and will impound small pools of shallow water at the base of the fish ladder and within the western half of the culvert.

All physical will take place within the footprint of the existing bridge and associated culvert. All work in the work area will be completed by hand tools only; i.e. moving rocks and setting concrete frames. Any heavy machinery associated with the project (crane and or cement truck) would be located on the road right of way or possible park just off the road on the south east side of the bridge crossing. No out-of-culvert impacts other than possibly turf disturbance are expected. All turf impacts will be loamed and seeded following construction.

The No-Project alternative does not improve the capacity of the existing fish ladder. Any out-of-culvert alternatives to the project (secondary culvert, extension of existing fish ladder) will result in a similar level of wetland resource area impacts as necessary to tie back into the Parker River main stem at a much greater cost. There are no off-site project alternatives which achieve the goal of improving fish passage at this location.

The proposed Parker River Fish Passage Improvement Project is consistent with the goals of the *Resolution to Restore Massachusetts Wetlands*. In 1994, the Executive Office of Environmental Affairs and the federal agencies of the Coastal America Partnership (U.S. Fish & Wildlife Service, Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, Federal Highway Administration, and the Natural Resources Conservation Service) signed the *Resolution to Restore Massachusetts Wetlands,* pledging their commitment to a collaborative approach to restoring the Commonwealth's wetland functions and values. This project is a Coastal America project and is supported by each of the Coastal America partners.